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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/708,823 | 03/26/2004 | Blayn W. Beenau | 60655.8400 | 2822 |
| 20322 | 7590 | 05/17/2006 | EXAMINER | |
| SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 85004-2202 | | | NGUYEN, NAM V | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,823

Applicant(s)

BEENAU ET AL.

Examiner

Nam V. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed February 27, 2006.

An amendment to the claims 1-6 and 8-9 has been entered and made of record in the application of Beenau et al. for a "method for biometric security using a transponder-reader" filed March 26, 2004.

The new set of claims 10-12 are introduced.

Claims 1-12 are pending.

Response to Arguments

Based upon the applicants submitted a terminal disclaimer, in compliance with 37 C.F.R. § 1.321 (c), therefore the examiner has withdrawn double patenting rejections.

In view of applicant's amendment to amend the claim 1 to obviate the §112 rejections, therefore, examiner has withdrawn the rejection under 35 U.S.C §112, second paragraph.

Applicant's amendment and arguments with respect to claims 1-12, filed February 27, 2006 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita (US# 6,703,918) in view of Griswold et al. (US# 6,629,591).

Referring to claim 1, Kita discloses a method for facilitating biometric security in a transponder-reader transaction system (i.e. a portable information system) comprising: proffering a biometric (i.e. fingerprint) to a biometric sensor (8) communicating with said system to initiate verification of a biometric sample (i.e. authentication data) for facilitating authorization of a transaction (column 4 line 20 to column 5 line 9; column 6 line 44 to column 7 line 28; column 10 line 62 to column 11 line 14; see Figures 1-3, 6-7 and 10-11).

However, Kita did not explicitly disclose wherein said verification includes determining whether said biometric sample is associated with a preset transaction limitation.

In the same field of endeavor of portable electronic device, Griswold et al. teach that determining whether said biometric sample (i.e. biometric information of user) is associated with a preset transaction limitation (column 9 lines 30 to 55; see Figure 5) in order to authorize to proceed with the requested transaction.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using biometric information associated with a predetermined preset transaction limit taught by Griswold et al. in a portable information equipment authentication device of Kita because verifying a biometric information associated with a preset transaction limits would improve security of using a portable electronic device and to minimize time spent accessing a user accounts.

Referring to claim 2, Kita in view of Griswold et al. disclose method of claim 1, Kita discloses further comprising registering at least one biometric sample (i.e. authentication data) with an authorized sample receiver (8) (column 9 line 66 to column 10 line 59; column 11 line 15 to 61; see Figures 10-11).

Referring to claim 3, Kita in view of Griswold et al. disclose method of claim 2, Kita discloses wherein said step of registering further includes at least one of: contacting said authorized sample receiver (32) (i.e. a wireless transmission reception section), proffering a biometric (i.e. fingerprint) to said authorized sample receiver (32), processing said biometric to obtain a biometric sample (i.e. authentication data), associating said biometric sample (i.e. authentication data) with user information, verifying said biometric sample (i.e. authentication data), and storing said biometric sample upon verification (column 9 lines 66 to column 10 line 59; column 11 line 15 to 61; see Figures 10-11).

Referring to claim 4, Kita in view of Griswold et al. disclose method of claim 1, Kita discloses wherein said step of proffering further includes proffering a biometric (i.e. fingerprint) to a biometric sensor (8) communicating with said system to initiate at least one of: storing, comparing, and verifying said biometric sample (i.e. authentication data) (column 9 lines 66 to column 10 line 59; column 11 line 15 to 61; see Figures 10-11).

Referring to claim 5, Kita in view of Griswold et al. disclose method of claim 1, Kita discloses wherein said step of proffering a biometric (i.e. fingerprint) to a biometric sensor (8) communicating with said system to initiate verification further includes processing database information (i.e. authorized data in an organic authentication registration data), wherein said database information (registration data) is contained in at least one of a transponder (151) (i.e. a equipment) (column 10 line 63 to column 11 line 61; see Figures 10-11).

Referring to claim 6, Kita in view of Griswold et al. disclose method of claim 1, Kita discloses wherein said step of proffering a biometric (i.e. fingerprint) to a biometric sensor (8) communicating with said system to initiate verification further includes comparing a proffered biometric sample (i.e. authentication data) with a stored biometric sample (i.e. organic authentication registration data registered in the organic authentication registration data unit 154) (column 11 line 42 to 61; see Figures 10-11).

Referring to claim 7, Kita in view of Griswold et al. disclose method of claim 6, Kita discloses wherein said step of comparing includes comparing a proffered biometric sample (i.e. authentication data) to a stored biometric sample (i.e. registration data) by using at least one of a third-party security vendor device (37) (i.e. service business) and protocol/sequence controller ((152) (i.e. a control circuit) (column 5 line 40 to column 7 line 52; column 10 line 62 to column 11 line 67; see Figure 1-7 and 10-11).

Referring to claim 8, Kita in view of Griswold et al. disclose method of claim 1, Kita discloses wherein said step of proffering a biometric to a biometric sensor communicating with said system to initiate verification further includes at least one of detecting, processing and storing at least one second proffered biometric sample (i.e. authentication data) (column 9 line 66 to column 10 line 36).

Referring to claim 9, Kita in view of Griswold et al. disclose method of claim 1, Kita discloses wherein said step of proffering a biometric to a biometric sensor communicating with said system to initiate verification further includes the use of at least one secondary security procedure (column 10 line 50 to 60; column 11 line 42 to column 12 line 4; see Figures 9-11).

Referring to claim 10, Kita in view of Griswold et al. disclose method of claim 1, Griswold et al. disclose wherein said preset transaction limitation comprises at least one of a maximum transaction amount (i.e. a credits limit) (column 10 lines 9 to 22).

Referring to claim 12, Kita in view of Griswold et al. disclose method of claim 6, Griswold et al. disclose wherein said stored biometric sample is stored by at least one of a third-party biometric security vendor (112) (i.e. a processing station) (column 8 lines 55 to column 9 line 8; see Figure 4).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita (US# 6,703,918) in view of Griswold et al. (US# 6,629,591) as applied to Claim 1 above, and in further view of Prorock et al. (PUB NO: 2002/0169673 A1).

Referring to claim 11, Kita in view of Griswold et al. disclose method of claim 1, however, Kita in view of Griswold et al. did not explicitly disclose further comprising requiring a second proffered biometric sample to override said preset transaction limitation.

In the same field of endeavor of a biometric device for security transaction system, Prorock et al. teach that a second proffered biometric sample (i.e. a manager's fingerprint) to override said preset transaction limitation (i.e. user defined limits) (page 1 paragraph 0002) in order avoid using a physical key and a keying sequence to perform the override procedure.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using biometric information of a manager to override a predetermined preset transaction limit taught by Prorock et al. in a portable information equipment authentication device of Kita in view of Griswold et al. because verifying a biometric information of a manager to override a preset transaction limits would improve security and increase efficiency of using a portable electronic device in a general transaction system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Houvener (US# 6,424,249) discloses a positive identity verification system and method including biometric user authentication.

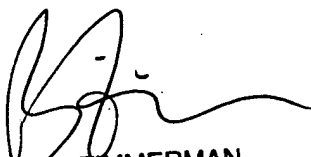
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571- 272-7308. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
May 12, 2006



BRIAN ZIMMERMAN
PRIMARY EXAMINER